



Docket No.: ATLAS-8095 US

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On 16 March 2007.

By: _____

Printed: Matthew Kaser

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: BRAVEN, Helen and KEAY, Russell

Title: NUCLEIC ACID PROBES, THEIR SYNTHESIS AND USE

Serial No.: 10/506,958

Filing Date: 2nd May, 2005

Examiner: POHNERT, STEVEN C.

Group Art Unit: 1634

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is in response to the Restriction Requirement mailed 18th October, 2006, in the above-referenced application.

Applicant respectfully petitions for a four (4)-month extension of time within which to respond to the Office Communication, dated 18th October, 2006, such extension allowing the undersigned until March 18, 2007 to respond.

Claims 1-60, 63-67, 69-71, and 75-92 were originally filed. In the Office Action, the Examiner requested Applicant to elect claims corresponding to one of the following inventions:

| | | |
|---------|-------------------------|---|
| Group 1 | Claims 1-25, 91, and 92 | drawn to a method of probing nucleic acid. |
| Group 2 | Claims 26-45 | drawn to methods of detecting a specific binding protein. |
| Group 3 | Claims 46-60 and 63-67 | drawn to nucleic acid probes. |
| Group 4 | Claims 69-71 | drawn to an apparatus for measuring electrochemical properties. |
| Group 5 | Claims 75-90 | drawn to a compound with a moiety |

In response to the Restriction Requirement, Applicants elect Group 1 (claims 1-25, 91, and 92) with traverse. Applicants respectfully submit that method of Group 1 (claims 1-25, 91, and 92) and the method of Group 2 (Claims 26-45) are not separate and patentably distinct. For example, the method of probing using an oligonucleotide probe to bind to a target nucleic acid sequence and electrochemically determining information (claims 1-25, 91, and 92) is substantially similar to the method of detecting using an oligonucleotide probe to bind to a specific protein and electrochemically determining information (claims 26-45). Applicants submit that examining the claims 1-25, 26-45, 91, and 92 of Examiner's groups 1 and 2 would not be an undue burden.

In addition, Applicants draw the Examiner's attention to the claims examined and granted in the equivalent European Patent Specification No. EP 1481083 B1 being the European regional phase application of the International Application No. from which the instant US national phase application is derived. The examined and granted claims of EP 1481083 B1 are equivalent to and substantially similar to claims 1-45, 91, and 92 of the instant US application.

Thus, Applicants respectfully request reconsideration of the Restriction Requirement and examination of Groups 1 and 2, claims 1-25, 26-45, 91, and 92.

Applicants also respectfully submit that claims 43, 44, and 45, are dependent upon claim 1 and therefore should be examined with claims 1-25, 91, and 92 of Examiner's Group 1. Applicants further note that new claims 93-105 are dependent upon base claim 1 and intervening claims and new claims 106-108 are dependent upon base claim 26 and intervening claims.

Please charge Deposit Account No. **50-3194** in the amount of **\$1,590.00** as set forth in the enclosed transmittal letter. However, if the USPTO determines that an additional fee is due, the Commissioner is hereby authorized to charge Bell & Associates' Deposit Account No. **50-3194**.

Respectfully submitted,

Date:

16th March 2007



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